

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CHERYL A. RICHARD,
Plaintiff,

v.

CAROLYN W. COLVIN,
ACTING COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

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) C.A. No. 15-252-M-LDA
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ORDER

Magistrate Judge Lincoln D. Almond issued a Report and Recommendation (ECF No. 14) in response to Cheryl Richard's Motion to Reverse (ECF No. 9) the denial of Social Security benefits and the Commission's Motion to Affirm (ECF No. 12). No party filed an objection to the R&R.

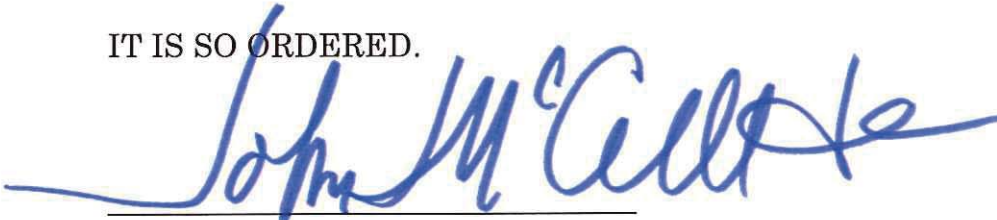
After a complete review of the briefing, the record, and the R&R, this Court finds that for the reasons stated in the R&R, the Court GRANTS Ms. Richard's Motion to Reverse (ECF No. 9) and DENIES the Commissioner's Motion to Affirm (ECF No. 12).

The ALJ erred by failing to properly evaluate the expert opinion of the medical doctor it had retained. Moreover, substantial evidence does not support the ALJ's rejection of this expert's opinion.

Pursuant to 42 U.S.C. § 405(g), the Court reverses the Commissioner's decision and awards benefits to Ms. Richard. A further remand would serve no legitimate purpose and would be clearly inequitable.

Therefore, the Court GRANTS Ms. Richard's Motion to Reverse (ECF No. 9), DENIES the Commissioner's Motion to Affirm (ECF No. 12), and remands this matter for the sole purpose of the calculation and payment of benefits.

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.
United States District Judge

August 23, 2016